

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 1-14 and 33-45 were present for examination. No claims are amended, canceled, or added by this paper. Therefore, claims 1-14 and 33-45 are present for examination, and claims 1 and 33 are the independent claims.

Applicants respectfully request entry of this amendment and reconsideration of this application.

Recent Application History

The most recent events in this application are:

July 17, 2007 - Non-final Office Action mailed.

October 17, 2007 - Applicants responded to the non-final Office Action.

January 16, 2007 - Final Office Action mailed. This Final Office Action appears to a verbatim copy of the non-final Office Action mailed July 17, 2007.

January 29, 2008 - Applicants' attorney received a telephone call from the Examiner indicating that the Final Office Action of January 16, 2008 was mailed in error and could be disregarded, and that a new Office Action would be mailed within about two weeks.

March 11, 2008 - Mindful of the upcoming two-month reply date, Applicants' attorney called the Examiner to verify that the Final Office Action can be disregarded. The Examiner indicated that this is still the case, and that a new Office Action will be mailed in about one more month. The Examiner also indicated that he would place a record in the file of this conversation, and documenting that no reply is necessary to the Final Office Action of January 16, 2008.

As of March 14, 2008, no such record shows on the PAIR system as having been placed in the file. In order to avoid any potential fees for extensions of time and any potential abandonment of the application, Applicants file this timely response, which duplicates the arguments presented in the response of October 17, 2007. Because the Final Office Action appears to be a verbatim copy of the non-final Office Action, it is believed that a verbatim copy

of the arguments submitted in response to the non-final Office Action is fully responsive to the Final Office Action.

It is Applicants' expectation that a new Office Action is still forthcoming.

35 U.S.C. §103(a) Rejection, Ahuja and Walker References

The Office Action has rejected claims 1-4, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Ahuja et al., U.S. Patent Pub. 2001/0056402 ("Ahuja") in view of the cited portions of Walker et al., U.S. Patent 5,884,274 ("Walker").

Claim 1 has been amended to clarify that *control logic* previously described as “configured to determine how each of the payment transactions is to be processed”, is *configured to determine, for each of the payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis*. This change is consistent with the specification, which explains that “either a right-time process or a batch process is invoked to process the payment transaction. At 22, the payment transaction submission method is verified to determine which process should be invoked to process the payment transaction.” (Paragraph [17], referring to Figure 2) The specification goes on to explain that “the right-time process is invoked to process the payment transaction in real-time.” (Paragraph [19])

Claim 1 as amended recites

1. *A system for processing account payments, comprising:
control logic configured to receive one or more payment transactions from a client;
control logic configured to determine, for each of the payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis;
control logic configured to invoke a real-time process to process payment transactions that are determined to be processed on a real-time basis, the real-time process being invoked upon submission of the payment transactions that are determined to be processed on the real-time basis; and
control logic configured to invoke a batch process to process payment transactions that are determined to be processed on a batch basis, the batch process being invoked at a designated*

time in a processing cycle without regard to timing of submission of the payment transactions that are determined to be processed on the batch basis;
wherein for each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction.

Claim 1 is not obvious in view of the combination of Ahuja and Walker for at least the reason that the references, even when combined, do not teach or suggest all of the limitations of claim 1. At least the highlighted portion of claim 1 above is not taught or suggested by the references.

Ahuja describes “a system and method for accessing financial information or conducting financial transactions ... using wireless communications devices.” (Ahuja Abstract) The transactions that the system may handle include “bill paying requests” that may be processed “substantially in real time”. (Ahuja paragraph [0090]). Ahuja does not mention batch processing, and consequently does not describe any need or mechanism for determining whether a particular *payment transaction is to be processed on a batch basis or on a real-time basis.*

In support of the rejection of original claim 1, the Examiner cites paragraph [0090]. Ahuja’s paragraph [0090] describes “processing the bill paying requests substantially in real-time at a central computer operatively coupled to the cellular telephone communication channels, the processing step including generating POS or other ATM interchange-compatible debit messages...”. At best, this passage describes a mechanism by which a transaction request may be transmitted. It does not describe *control logic configured to determine, for each of the payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis.*

By contrast, Applicant’s specification describes both batch processing and real-time processing (paragraphs [18] and [19]), and explains that “depending on the submission format, the system can process the payment transaction by using either a batch process or a right-time process. The right-time process processes the payment transaction in real-time upon

submission, thereby allowing the corresponding credit account to be updated in a more timely manner.” (paragraph [10]).

Walker describes a “system and method for providing a foreign exchange insurance policy”. (Walker Abstract) At column 9 line 3, Walker mentions “[c]redit card clearinghouse 430” that “operated by the member banks, functions as a consolidator of credit card transactions, and sends transaction data 70 to central controller 200 in real time or in a batch process....” This language does not teach a process for determining whether any particular *payment transaction is to be processed on a batch basis or on a real-time basis*, and even fails to mention that a client of the system would have the option to use one or the other. Walker therefore also does not teach or suggest *control logic configured to determine, for each of the payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis*.

Because neither Ahuja nor Walker nor their combination teaches or suggests all of the limitations of claim 1 as amended, claim 1 is believed allowable over Ahuja and Walker.

Claims 2-4, 13, and 14 depend from claim 1 and add further limitations, and are also believed allowable.

35 U.S.C. §103(a) Rejection, Ahuja, Walker, and Couch References

The Office Action has rejected claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 3 above, and further in view of the cited portions of Couch, U.S. Patent 4,650,977 (“Couch”).

Claims 5-7 depend from claim 3 and add further limitations. Claim 3 in turn depends from claim 1 and adds further limitations. The Examiner relies on Ahuja and Walker to teach or suggest the limitations of claims 1 and 3. As is explained above, Ahuja and Walker, even in combination, do not teach or suggest all of the limitations of either claim 1 or 3. Couch does not cure this deficiency, and claims 5-7 are believed allowable.

35 U.S.C. §103(a) Rejection, Ahuja, Walker, and Alvin References

The Office Action has rejected claims 8-10 and 12 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Alvin, U.S. Patent 7,139,731 ("Alvin").

Claims 8-10 and 12 depend from claim 1 and add further limitations. The Examiner relies on Ahuja and Walker to teach or suggest the limitations of claim 1. As is explained above, Ahuja and Walker, even in combination, do not teach or suggest all of the limitations of claim 1. Alvin does not cure this deficiency, and claims 8-10 and 12 are believed allowable.

35 U.S.C. §103(a) Rejection, Ahuja, Walker, and Campbell References

The Office Action has rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Campbell et al., U.S. Patent 4,774,664 ("Campbell").

Claim 11 depends from claim 1 and adds further limitations. The Examiner relies on Ahuja and Walker to teach or suggest the limitations of claim 1. As is explained above, Ahuja and Walker, even in combination, do not teach or suggest all of the limitations of claim 1. Campbell does not cure this deficiency, and claim 11 is believed allowable.

35 U.S.C. §103(a) Rejection, Claims 33-45

The Office Action has rejected claims 33-45 under 35 U.S.C. §103(a) "for the same reasons as provided for claim 1-14." (Paper 20070706, page 10)

Claim 33 has been amended in a manner similar to claim 1, to clarify that "determining how each of the plurality of payment transactions is to be processed" means *determining, for each of the plurality of payment transactions, whether the payment transaction*

is to be processed on a batch basis or on a real-time basis. The Examiner rejected claim 1 as being unpatentable over the combination of Ahuja and Walker. As is explained above with respect to claim 1, neither Ahuja nor Walker nor their combination teaches or suggests at least this limitation of claims 1 and 33 as amended. Claim 33 is therefore believed allowable.

Claims 34-45 depend from claim 33 and add further limitations and are therefore also believed allowable. The additional references cited in the rejections do not teach or suggest at least *determining, for each of the plurality of payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis.*

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



David W. Boyd
Reg. No. 50,335

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
DWB:klb
61265254 v1